

REMARKS

After entry of the foregoing amendment, claims 27-49 and 51-83 are pending in the application.

All of claims 26-70 were earlier indicated as allowed, or allowable, except 26 and 50.

Claim 26 has now been canceled based on a re-appraisal of the claim in view of the prior art (e.g., the art submitted herewith). Applicant reserves the right to pursue claims similar to claim 26 in one or more related applications.

(The anticipation rejection of claim 26 in the Action is respectfully traversed. The cited art Schwab does not teach, e.g., “auxiliary data embedded within the audio signal.” Schwab’s auxiliary data is encoded in the picture information of a video signal.)

The obviousness rejection of claim 50 over O’Grady in view of Gniewek is respectfully traversed.

The cited teaching of Gniewek (col. 8, lines 27-61) concerns a physical break-away tab used in an audio cassette or video cassette housing to indicate that the media should not be written-to. He explains, *e.g.*:

*The physical indication of the write-once-only media type can be any one of the many physical devices used on a cassette or a cartridge that indicates a read only media. The indication must be a physical indication, such as a break-away tab of the standard video cassette recorder or audio cartridge, or any other indication located in any section physically on the cassette or cartridge case. The presence or absence of the break-away tab can be apparent to the user and can then be sensed by the WOO sensor 32 to indicate that this media and this cartridge is formatted for write-once-only operation.*

(Emphasis added.)

The applicability of such a physical break-away tab to both audio and video cassettes does not fairly suggest to an artisan the radical reworking of O’Grady’s video signal processing technology that would be necessary to yield the audio-focused arrangement of claim 50.

Moreover, the Action seems to stretch too far in its reading of O’Grady. O’Grady is not understood to teach an artisan any decoding method that extends across plural video frames. The only reference to plural video frames cited in the Action (i.e., col. 2,

line 61) concerns placement of the data in different locations in different frames, so that fixed pattern noise does not become evident to a viewer.

Again, O'Grady's matched filter processing unit (68 and 70 in Fig. 2) does not produce an output based on more than a single frame. These elements process a group of 7050 samples – *less* than a frame (*i.e.*, 18.75 video lines), as indicated at column 5, line 37.

The Action cites column 1, lines 56-64 as disclosing a plurality of series, but no such teaching is apparent. Rather, this excerpt teaches that a single video signal (*i.e.*, an 18.75 line excerpt of a frame) is tested for correlation against plural different data waveforms. These plural waveforms are not the video signal – they are random noise waveforms (col. 1, line 48) that each represent a different a unique data word.

The Action also seems to argue<sup>1</sup> that a different frame of data is analyzed when a user changes the television channel (citing column 1, lines 6-22), thereby creating “a series of signals.” No such reference to channel changing is found in the cited excerpt. Moreover, it will be understood that O'Grady – over the course of its lifetime – may process many video frames. That is not the issue posed by claim 50. Rather, claim 50 concerns extracting “the multi-bit auxiliary data” by processing “a plurality of series of said encoded audio.”

Favorable reconsideration of this claim is solicited.

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<sup>1</sup> Action, top of page 7.

The objection to the specification (paragraph 3 of the Action) appears to be erroneous; it references claims 64-81 and 141-158. Prior to this amendment, the only claims pending in this application were 26-70.

Claims 51-64 were said to be "objected to" for dependence on a rejected base claim (paragraph 9 of the Action). However, each of these claims actually depends – directly or indirectly – from claim 47, which has been allowed. Accordingly, allowance of claims 51-64 is solicited.

New claims 71-83 are added to more fully protect applicant's inventive work.

Favorable reconsideration and passage to issuance are solicited.

Date: January 18, 2005

**CUSTOMER NUMBER 23735**

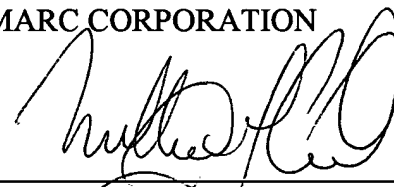
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Respectfully submitted,

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